

MINUTES OF THE EIGHTY-EIGHTH MEETING
AUGUST 24, 1954

Pursuant to call of the Chairman, the Ohio Turnpike Commission met in regular open session in its offices at 139 East Gay Street in Columbus, Ohio, at 11:08 A. M., on August 24, 1954, with the key members of its staff, representatives of the Consulting Engineer, of the Trustee, members of the press, and others in attendance.

The meeting was called to order by the Chairman, the roll was called, and the attendance was reported to be as follows:

Present: Allen, McKay, Teagarden, Linzell, Shocknessy.

Absent: None.

The Chairman declared that a quorum was present.

A motion was made by Mr. McKay, seconded by Mr. Teagarden, that the minutes for the meetings of June 8, 1954 and July 15, 1954, which had been examined by the members of the Commission and upon which the required corrections had been made, be approved without reading.

A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

Ayes: McKay, Teagarden, Allen, Linzell, Shocknessy.

Nays: None.

The Chairman declared the motion carried.

The Chairman reported that he had written a letter to the Auditor of State on August 23, 1954, as follows:

"The Honorable James A. Rhodes
The Auditor of State
The Capitol
Columbus 15, Ohio

Dear Sir:

So that there shall be no misunderstanding at the regular monthly meeting of the Ohio Turnpike Commission August 24, 1954, if you desire time to confer with the Commission at the meeting it is requested that you so advise us before the meeting is convened. In the event you do so desire to confer appropriate arrangement as to time will be made. The Commission will convene at 11:00 A. M. and prospectively it would seem that it should conclude its meeting by 12:30 P. M.

Kindest personal regards,

Very truly yours,

/s/ James W. Shocknessy
Chairman"

The Chairman said that he had not heard anything from the Auditor of State so that he was assuming that the Auditor of State did not want any time to confer with the Commission that day. He said that he made the point at the last meeting of the Commission that meetings of the Commission were always public meetings, that the Commission had never had a meeting that was not a public meeting. The Chairman said that the Ohio Turnpike Commission had met in public before it had been provided by law that commissions and boards of the State of Ohio hold their meetings in public. He said that the mere fact that a commission or board meets in public did not imply that all its meetings, any more than all the sessions of a court, were open to anyone to take time and present a matter not before it. The Chairman asked if anybody in the room would like to be heard by the Commission before it proceeded with the meeting to speak up. No one asked to be heard.

The Chairman said that after the last previous meeting several representatives of the Commission, including the Chairman, had met with some representatives of the Auditor of State on the question of whether or not the Commission might direct the Consulting Engineer to open its offices to the Auditor for examination of the Consulting Engineer's affairs as they were related to the Commission. He said that it was the view of the Commission that it did not have authority to compel either the

Trustee, The Ohio National Bank, or the Consulting Engineer, or anyone else who had contractual relationships with the Commission to open books to anyone. He said that under the law the Commission's affairs were subject to audit by the Auditor of State, so that representatives of the Commission had advised the Auditor of State that if there was anything in the offices of the Greiner Company related to the business of the Commission which was not available to the Auditor at the headquarters of the Commission, the Executive Director on behalf of the Commission would seek the information pertinent to the audit which was not available at the Commission's headquarters.

The Chairman reported that the Ohio Roadside Council had addressed a letter through a representative to the Secretary-Treasurer on the subject of billboards. He said that the Commission, of course, expected to exclude billboards from its right-of-way and that the Commission had long previously enunciated the policy of screening out billboards beyond its right-of-way by plantings wherever it could. He said that the Commission was intent, not only on making the Ohio Turnpike Project No. 1 the safest highway in the world, but also on making it one of the most aesthetically perfect highways in the world. He said further that the Commission had expected, by plantings and otherwise, to exclude unsightly defacements of nature which might detract from the safety or the beauty of the Ohio Turnpike. He said also that the Commission had contracts with most of the persons from whom it had purchased right-of-way covenanting to bar billboards from portions of their property which had not been taken for right-of-way but which remained in their ownership and possession. The Chairman said that it was his belief that that was about all the Commission was able to do. He said that the Commission was hardly within its right to undertake to dictate or to attempt to dictate to the General Assembly which had created it. He said that the Commission, of course, would advise the General Assembly as fully as the Assembly wanted to be advised of the Commission's views and the Commission's experience, but that the people of Ohio, speaking through the General Assembly, would have to make the determination. The Chairman said that it had always been his personal view and that he had not much doubt that it was the view of the members of the Commission, individually, that creatures created by legislative bodies should not spend their time after their creation lobbying those bodies.

The Chairman reported that Mr. Dean Jauchius, a reporter for the Columbus Dispatch, had asked him before the Commission convened whether or not it was true that the Commission was out of money and was going to have to seek further funds and had said that there had been talk to that effect. The Chairman said that the Commission had provided in its financing a contingent fund of approximately twenty-six million dollars which it had not had to invade more than for about three million dollars. He said that all the Commission's contracts had been entered into for the construction on the right-of-way and that provision had been made for the contracts of construction of buildings and other monuments that had to be erected within the right-of-way and on the Turnpike. He said that the Commission might have to provide, out of that remaining approximately twenty-three million dollars, eight to ten million dollars for contingent claims, leaving, of the contingent fund, approximately thirteen million dollars. He said that because it had never been the purpose of the Commission to borrow money merely to be possessed of it and pay interest on it and not get use out of it, the Commission expected to use the thirteen million dollars to build service plazas. He said that it had been originally contemplated, when the financing was done, that the service plazas would be paid for by oil companies or concessionaires. He said that it was far more desirable for the Commission to own, to build and to lease its own facilities rather than to have them built by others and the Commission have to pay for them through a reduced return.

The Chairman said that in addition to the contingent fund the Commission had an additional nine million three hundred thousand dollars of estimated earnings in excess of the estimated earnings at the time of financing. He instructed that the record show that the Commission not only was not in any danger of having to seek further financing, but, in contradistinction to most other similar bodies, it was going to be able to use its contingent fund for a capital improvement not contemplated at the time of the financing whereas other similar bodies had had to use the contingent fund and had had to seek as much as twenty-five to fifty percent more financing to complete the project originally envisioned. He said that the Commission's bonds had been selling at approximately the same price as the New Jersey Turnpike Authority's three and a quarter percent bonds; that they had been selling as high or higher than any other

similar body's securities. The Chairman said that some of the good reasons that the Commission's bonds had the attractive position that they had on the security market was because the world knew that the Commission was going to build Project No. 1 within the financing. He said that the Commission was not going back to the public to seek more money. He said that he doubted that any other similar body in the history of the United States had ever been able to provide for a capital improvement in the amount of thirteen million dollars not contemplated in its original financing.

The Chairman reported that plans were being made for the opening of the Eastgate Section of Ohio Turnpike Project No. 1 on December 1, 1954. He said that the Youngstown Chamber of Commerce had indicated that it would be glad to make arrangements for a luncheon at Youngstown on the opening day and that the Commission had had a lot of nice cooperation from people in that area.

Mr. McKay said that when the combination of the contingent fund and the earnings on investments should be put together and when the books should be closed on Ohio Turnpike Project No. 1, the Commission and its staff would not only be within its financing but there would be a balance left to turn over to the credit of the retirement fund. The Chairman said that he thought that even after using thirteen million dollars to build service plazas there would still be a credit. Mr. McKay said that there was a real possibility that the total earnings on investments would equal or exceed fifteen million dollars, which was about nine million dollars more than had been estimated.

The Secretary-Treasurer reported that since the last previous meeting the following had been sent to all members:

1. Details of investment transactions during July, 1954, mailed July 31, 1954.

2. A letter on reinvestment of funds which took place on August 3, 1954, mailed August 5, 1954.

3. The financial report for the period ending July 31, 1954, mailed August 4, 1954.

4. The auditors' report for the period ending June 30, 1954, mailed August 12, 1954.

5. The progress report on various phases of toll collection, mailed August 18, 1954.

6. The draft of minutes of the June 8, 1954 meeting, mailed August 4, 1954.

7. The draft of minutes of the July 15, 1954 meeting, mailed August 19, 1954.

The Secretary-Treasurer reported that income from investments at the end of July, 1954 was \$12,812,000 compared to the original estimate for the same period of \$6,032,000, or a gain of \$6,780,000. He said that by the end of August, 1954 the Commission's income from investments would reach \$13,400,000, or double the \$6,700,000 which had been estimated for the entire construction phase. He said that it was interesting to note that the income reached \$6,700,000 in the last few days of August, 1953, or just thirteen months after the sale of the bonds, while the second \$6,700,000 would be reached in the last few days of August, 1954, or within a couple of days of twelve months later. He said that starting with September, 1954, the income would be at a lower monthly rate because of the Co-trustee's having disposed of the maturing 2 - 5/8% certificates and reinvested in treasury bills yielding less than one percent, and also because of the decreasing principal amount of securities. He said that during August 1954 the Commission had made the largest single payment to one contractor for one month's work and that it had been a check to a joint venture in the amount of \$1,055,000. He said that the total payments currently were running at a rate of over \$4,000,000 a week.

The Chairman thanked the Secretary-Treasurer and said that in the absence of any questions the Chairman's report and the Secretary-Treasurer's report were received.

The Chairman said that he would like to clear up a misapprehension that the Commission was going to take a mile-wide band of land from Cincinnati to Toledo and from Columbus to Conneaut. He said that it was beyond him what on earth the Commission would do with a mile-wide right-of-way. He said that he had heard that real estate was being offered back and forth within the mile-wide band and that some pretty broad chances were being taken.

The Chairman prefaced the report by the Director of Highways of Ohio by mentioning that the Commission was authorized by law to construct toll roads. He said that the statute said that the Turnpike Commission should construct them at locations approved by the Governor. He said that it had always been his personal view and that it had been the view expressed by counsel for the Commission to the Supreme Court of Ohio that when the statute said "at locations approved by the Governor" it implied a location determined by the Governor, and in accordance with alignment standards as approved by the Director of Highways, so that is the course being followed when the Director of Highways was holding conferences with respect to the line. He said that the Commission had nothing to do with those conferences. The Chairman said that the Commission had had representatives present observing at the conferences and learning what was being said but that the line would be brought to the Commission by the Governor and the Director of Highways. He said that then, if feasible, the Commission would build the Turnpike but that the Commission did not of itself originate pathways for highways across the state and that the Commission was governed by what the Governor of the state determined and approved and by the alignment standards which the Director of Highways approved. He said that the Commission was not a free-lance outfit that could decide to build a highway any place it wanted and then go seek approval of it. He said that the Governor of Ohio had indicated that he thought a toll road should be considered between certain termini and that the Commission had advised him that if the Director of Highways would make a report the Commission would proceed in accordance with the law.

Mr. Linzell reported that it had never been contemplated that Turnpike Project No. 2 would occupy a mile-wide band. He said that it would occupy a right-of-way somewhat similar, but probably a little wider than, that of

Project No. 1. He said that the right-of-way for Project No. 2 might be three to five hundred feet wide. Mr. Linzell said that the misconception about a mile-wide band evidently had come from some of the people who had attended the series of meetings that the Director of Highways had held. He said that those meetings had been held at the State Office Building and that there had been invited to those meetings by the Highway Department county planning commissions, county officials, and city planning commissions from areas where the location being studied for Project No. 2 might possibly interfere with either urban or industrial developments. He said that the Highway Department had felt that its engineers should have the benefit of local knowledge which they might not otherwise have been able to acquire and that local knowledge might be of great value to the engineers in avoiding excessive costs of right-of-way arising from going through proposed industrial developments or urban developments. He said that the meetings had been attended by groups of people and that there had been very little objection to the proposed study line which had indicated the last thinking as of that time as to where Project No. 2 might be located within the boundaries of a mile-wide study band. Mr. Linzell said that suggestions had been made as to other study lines in the Cleveland area and in the Columbus area by groups attending the conferences and that the suggestions would be taken into account and would receive fullest consideration and study. He said that representatives of the engineering consultants and of the traffic and revenue consultants had been present at the conferences together with representatives from the Highway Department and observers from the Ohio Turnpike Commission. He said that the preliminary draft of the first phase of the feasibility report and preliminary location would be in his hands during the first week of September, 1954. He said that he would have nothing to report until he should get the preliminary drafts and make a study of them.

The Executive Director presented to the Commission for its consideration the plans and contract documents for roadway lighting on Ohio Turnpike Project No. 1 at toll plazas, interchanges, and terminals. He said that the contracts were known as RL-1A, RL-1B, and RL-1C, and that contract RL-1A covered the eastern half of the Turnpike, that Contract RL-1B

covered the western half of the Turnpike, and that Contract RL-1C was for construction across the entire Turnpike. He said that the contract documents had been presented by the Consulting Engineer and by the Chief Engineer and that they had been approved by the General Consultant and that he recommended their adoption and approval by the Commission. He said that the work covered by the contracts had been advertised for letting on August 20, 1954 and that the Commission had received a total of 31 bids from fifteen contractors, and that the bids had ranged from a low of \$839,850 to a high of \$1,427,000. He said that the bids had been quite competitive. The Executive Director said that he was in receipt of a communication from the Consulting Engineer in which it recommended that Contracts RL-A and RL-1B be awarded to Henkels & McCoy, a partnership, of Philadelphia, Pennsylvania, at its low bid prices of \$493,450 and \$326,400, respectively. He said that the total of the two bids was the same as the combined bid by the same firm for Contract RL-1C. He said that the Chief Engineer had reviewed the bids and had recommended award to Henkels & McCoy and that the Executive Director made a like recommendation.

The General Counsel orally and by letter advised that in his opinion the bids of Henkels & McCoy were the lowest and best bids of those received and that they conformed to the requirements of the applicable statute, and to the terms, conditions, and specifications prescribed by the Commission and to the legal notice; and that award might legally be made to it. Attached to his letter was proof of publication of notice of receipt of bids for Contracts RL-1A, RL-1B, and RL-1C.

The Executive Director reported that a meeting had been held with the low bidder and that the Consulting Engineer, the Chief Engineer, the Comptroller, and counsel for the Commission had been convinced that the firm was organized adequately to undertake the construction and to do it within the contract period. He said that a check had been made on the materials to be used and that the materials which the firm proposed to purchase for the construction would undoubtedly meet the Commission's specifications. He said that the firm planned to use at least two crews to undertake the construction of that portion within the Expedited Section in order to insure completion of that construction by the opening date of the Expedited Section. He

He said that the firm did construction work to the extent of about six million dollars a year and had a good reputation. The Executive Director explained that the bids of Henkels & McCoy on Contracts RL-1A and RL-1B had been recommended for adoption in preference to the bid by the same firm on Contract RL-1C which was identical to the total of the firm's bids on Contracts RL-1A and RL-1B because the latter bids contemplated the use of steel standards whereas the bid on Contract RL-1C contemplated the use of aluminum standards. He said that the Commission's engineers had recommended the use of steel standards perhaps because of the fact that steel was a major industry in Ohio

Resolution No. 121-1954, awarding roadway-lighting Contract RL-1A and roadway-lighting Contract RL-1B, was moved for adoption by Mr. Linzell, seconded by Mr. Teagarden, as follows:

Resolution No. 121-1954

"WHEREAS, pursuant to authority heretofore granted, the executive director and general counsel have caused an advertisement to be published, according to law, for bids upon a contract for the construction and installation of roadway-lighting facilities at and in the vicinity of the Eastern Terminal Toll Plaza and toll plazas and interchanges of Ohio Turnpike Project No. 1 at State Routes Nos. 5, 7, 8, 10, 14, 18, and 57 and U. S. Routes Nos. 21 and 42, which contract is designated Contract RL-1A, and proof of said advertising is before the Commission;

WHEREAS the executive director and general counsel have also caused an advertisement to be published, according to law, for bids upon a contract for the construction and installation of roadway-lighting facilities at and in the vicinity of the Western Terminal Toll Plaza and toll plazas and interchanges of Ohio Turnpike Project No. 1 at State Routes Nos. 53, 20, 108, and 15 and U. S. Routes Nos. 250 and 20, which contract is designated Contract RL-1B, and proof of said advertising is before the Commission;

WHEREAS the executive director and general counsel have also caused an advertisement to be published, according to law, for bids upon a contract for the construction and installation of roadway-lighting facilities at the Eastern and the Western Terminal Toll Plazas and toll plazas and interchanges covered by both of the above contracts, which contract is designated Contract RL-1C, and proof of said advertising is likewise before the Commission;

WHEREAS there are before this meeting the plans and forms of other Contract Documents for each of said Contracts, to-wit: Forms of notice to bidders, proposal, contracts, and special provisions;

WHEREAS bids for the performance of each of said Contracts have been received, and were duly opened and read, as provided in the published notice for said bids, and said bids are before this meeting;

WHEREAS said bids have been analyzed by the Commission's executive director, chief engineer, and consulting engineer, and they have reported thereon to the Commission with respect to said analysis and made their recommendations predicated thereon;

WHEREAS all of the aforesaid bids for each of said Contracts were solicited on the basis of the same terms and conditions, and the same specifications with respect to all bidders and potential bidders, and the bid of Henkels & McCoy, a partnership composed of John B. Henkels, Jr., Andrew L. Lewis, Arthur C. Faust, and Louis J. McCloskey, in the amount of \$493,450.00, for the performance of Contract RL-1A is, and is by the Commission determined to be, the lowest and best of all said bids or combinations of bids for the construction and installation of roadway-lighting facilities at and in the vicinity of the Eastern Terminal Toll Plaza and toll plazas and interchanges of Ohio Turnpike Project No. 1 at State Routes Nos. 5, 7, 8, 10, 14, 18, and 57 and U. S. Routes Nos. 21 and 42; and the bid of said partnership, in the amount of \$346,400.00, for the performance of Contract RL-1B is, and is by the Commission determined to be, the lowest and best of all said bids or combinations of bids for the construction and installation of roadway-lighting

facilities at and in the vicinity of the Western Terminal Toll Plaza and toll plazas and interchanges of Ohio Turnpike Project No. 1 at State Routes Nos. 53, 20, 108, and 15 and U. S. Routes Nos. 250 and 20; and the Commission has been advised by its general counsel that said bids conform with the requirements of Section 5537.04 of the Revised Code of Ohio and with the terms, conditions, and specifications in the legal notice applicable thereto, and, accordingly, the Commission is authorized to accept said bids as the lowest and best bids for the construction and installation of roadway-lighting facilities at the aforesaid locations; and

WHEREAS the Commission is satisfied with the capacity of said bidder to perform its obligations pursuant to its proposals;

NOW, THEREFORE, BE IT

RESOLVED that the Commission hereby approves, adopts, and ratifies the plans and forms of other Contract Documents before it at this meeting for each of the aforesaid contracts, being for and in connection with the construction and installation of roadway-lighting facilities at and in the vicinity of the Eastern and the Western Terminal Toll Plazas and toll plazas and interchanges of Ohio Turnpike Project No. 1 at State Routes Nos. 5, 7, 8, 10, 14, 18, 57, 53, 120, 108, and 15 and U. S. Routes Nos. 21, 42, 250, and 20, and that all action heretofore taken by the executive director, chief engineer, and general counsel, and any of them, with reference to said contracts be, and the same hereby is, ratified, approved, and confirmed; and

FURTHER RESOLVED that the bids of Henkels & McCoy, a partnership composed of John B. Henkels, Jr., Andrew L. Lewis, Arthur C. Faust, and Louis J. McCloskey, for the performance of Contract RL-1A and Contract RL-1B be, and hereby they are, determined to be the lowest and best of all said bids or combination of bids, and are accepted; and that each of the chairman and the executive director be, and each of them hereby is, authorized (1) to execute contracts

with said successful bidder in the form heretofore prescribed by the Commission, pursuant to the aforesaid bids, and upon the condition that said successful bidder shall furnish a performance bond with each of the aforesaid contracts as heretofore approved by the Commission by and in its resolution No. 69-1952 and meeting the requirements of said resolution, (2) to return to all other bidders the bid security furnished by each of them, respectively, (3) to return said successful bidder's bid security when each of the aforesaid contracts has been duly executed and said performance bonds furnished, and (4) to take any and all action necessary or proper to carry out the terms of said bid and of said contracts."

A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

Ayes: Linzell, Teagarden, Allen, McKay, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

The Executive Director reported that the report estimate for the construction contemplated by Contracts RL-1A and RL-1B which had been made in 1951 was \$250,000 in excess of the amount of the contract awarded to Henkels & McCoy. The Executive Director recommended approval of the employment of a firm of architects for preliminary architectural services for a truck-service area. He said that the Consulting Engineer had carried on negotiations with several architectural firms as requested by the Commission at its last previous meeting and had recommended the firm of Ward and Conrad at Cleveland, Ohio, for selection for preparations of preliminary plans and for rendering the necessary architectural services in connection with first-stage drawings. He said that the drawings would be sufficiently descriptive of architectural treatment, of the size of facilities, and of the type and quality of construction to enable reasonably accurate estimates of costs of construction to be made by prospective bidders. He said

that the drawings would be supplemented with a set of outline specifications defining types and quality of materials and workmanship. The Executive Director said that the proposal from the firm of Ward and Conrad contemplated fees in the amount of one and two-tenths percent of the agreed estimate of construction cost based on the plans and specifications prepared for one of each type of building in the dual truck-service areas. He said that the fee was based on twenty percent of a six percent fee which would be the normal allowance for the plans on a contract for complete architectural service. He said that the proposal included also provision for a lump sum of \$1500 to cover all work incident to the development of a site plan and of general treatment of grading, and drainage, and paving, and fencing layout of buildings and service areas. He said that he and the Chief Engineer concurred in the recommendation of the Consulting Engineer.

Resolution No. 122-1954, authorizing employment of an architect to furnish services in connection with a service plaza for trucks along Ohio Turnpike Project No. 1, was moved for adoption by Mr. Allen, seconded by Mr. Linzell, as follows:

Resolution No. 122-1954

"WHEREAS it is or will be necessary for the Commission to retain the services of an architect for the rendition of architectural services in connection with the drawing of plans and the drafting of specifications for a service plaza designed, primarily, to furnish truck service;

WHEREAS the Commission has considered the employment of an architect for the rendition of the aforesaid architectural services; and

WHEREAS the Commission's consulting engineer has submitted to the Commission its recommendation for the employment of Ward and Conrad of Cleveland, a partnership

composed of David M. Ward and William H. Conrad, for the performance of the aforesaid architectural services in connection with the plans and specifications for said plaza and the Commission has fully considered the same and is satisfied as to the professional competence of said firm and its ability to perform said services, and is also satisfied that the Commission should enter into a contract with it for the performance of said services, provided terms of such a contract can be negotiated which will be approved by the Commission's executive director, its consulting engineer, and its general counsel;

NOW, THEREFORE, BE IT

RESOLVED that the Commission's executive director be, and he hereby is, authorized to enter into a contract on behalf of the Commission with Ward and Conrad, architects, a partnership composed of David M. Ward and William H. Conrad for the drawing of plans and drafting of specifications for the construction of a service plaza designed primarily to furnish truck service; provided, however, that said contract shall be subject to the approval of the Commission's general counsel and of the Commission's consulting engineer."

A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

Ayes: Allen, Linzell, McKay, Teagarden, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

The Executive Director recommended the approval by the Commission of a classification of vehicles and a schedule of tolls for the Expedited Section of Ohio Turnpike Project No. 1. He said that the proposed tolls were in substantial conformity and were not less than those that had been set up by the firm of Parsons, Brinckerhoff, Hall & Macdonald which had made the original traffic and revenue study in 1952. He said that the tolls ranged from a low of thirty cents for motorcycles and forty-five cents for

passenger vehicles to a dollar and ninety cents maximum for the largest trucks if they should use the entire length of the Expedited Section, with lesser amounts if the trucks should go only between the interchanges at State Route 18 and State Route 7, or between the interchange at State Route 7 and Eastgate terminal. He said that the schedule had been approved by the Comptroller and by the Consulting Engineer and by the General Counsel and by him.

The General Counsel advised the Commission that in his opinion the schedule as set forth met the requirements of Paragraph 501 of the Trust Agreement between the Commission and The Ohio National Bank of Columbus, as Trustee, and The National City Bank of New York, as Co-trustee. He said that that section required among other things that the initial schedule of tolls for any portion of Ohio Turnpike Project No. 1 should be in substantial conformity with, and not less than, the rates of tolls recommended by Parsons, Brinckerhoff, Hall & Macdonald of New York, New York, in their traffic and revenue report dated May 6, 1952, addressed to the Director of Highways and accepted by the Commission.

Resolution No. 123-1954, adopting classification of vehicles and schedule of tolls for Expedited Section, was moved for adoption by Mr. McKay, seconded by Mr. Teagarden, as follows:

Resolution No. 123-1954

"WHEREAS it is contemplated that that portion of Ohio Turnpike Project No. 1 between the Pennsylvania state line and the interchange at State Route 18, herein designated as the "Expedited Section," will be opened for traffic on December 1, 1954;

WHEREAS in connection with the operation and maintenance of said Expedited Section it will be necessary for the Commission to fix and revise from time to time and charge and collect tolls for transit over said Expedited Section, and the Commission is authorized and empowered by law so to do; and

WHEREAS the Commission has been advised by its general counsel that in his opinion the schedule hereinbelow set forth meets the requirement of Section 501 of the trust agreement between the Commission and The Ohio National Bank of Columbus, as trustee, and The National City Bank of New York, as co-trustee, which requires that the initial schedule of tolls for any portion of Ohio Turnpike Project No. 1 shall be in substantial conformity with and not less than the rates of tolls recommended by Parsons, Brinckerhoff, Hall & Macdonald, of New York City, New York in their traffic report dated May 6, 1952, addressed to the director of highways and accepted by the Commission; and the Commission's executive director, comptroller, and consulting engineer have recommended the adoption of said toll schedule;

NOW, THEREFORE, BE IT

RESOLVED that the Commission, having duly and fully considered the same, hereby finds the rates of tolls in the toll schedule hereinbelow set forth to be in substantial conformity with and not less than the rates of tolls recommended by Parsons, Brinckerhoff, Hall & Macdonald in their aforesaid traffic report; that said tolls comply with the provisions of section 502 of the trust agreement between the Commission and The Ohio National Bank of Columbus, as trustee, and The National City Bank of New York, as co-trustee; and, further, that the fixing of tolls and the classification of vehicles as provided in said schedule is in the best interest of the Commission and of the public; and

FURTHER RESOLVED that the following toll schedule be, and the same hereby is, adopted:

CLASSIFICATION OF VEHICLES AND SCHEDULE
OF TOLLS FOR THE "EXPEDITED SECTION"

<u>Classification</u>	<u>Rates of Tolls</u>		
	<u>Between Pa. Line and S. R. 7</u>	<u>Between S. R. 7 and S. R. 18</u>	<u>Between Pa. Line & S. R. 18</u>
1 - Motorcycle, Passenger Car, Panel, and Pick-up	.25	.25	.30
2 - Pass. car with trailer, Single-unit 2-axle truck, and bus under 13-pass. capacity	.25	.30	.45
3 - Single-unit 3-axle truck and bus 13-pass. and over	.30	.55	.85
4 - Truck, combination 3-axle	.40	.70	1.10
5 - Truck, 4-axle	.55	.90	1.45
6 - Truck, over 4 axles	.70	1.20	1.90
7 - Nonrevenue vehicles			

Obviously empty trucks such as car transports and flat beds, that normally would be class 3 or higher, will be reduced one classification.

FURTHER RESOLVED that said schedule shall become effective on the opening of said Expedited Section to traffic."

Mr. Allen noted that the schedule provided a fee for motorcycles and commented that although motorcycles were excluded from some toll roads, such as the New York Thruway, he thought it to be unreasonable for the Ohio Turnpike Commission to exclude motorcycles inasmuch as they constituted a legitimate means of transportation.

Mr. McKay said that, if at some later date the fact should develop that motorcycles were a cause of accidents, the toll schedule could be amended.

The Executive Director said that the staff of the Commission had considered the matter and that it had been the general consensus to recommend that motorcycles be permitted.

A vote by ayes and nays was taken and all members responded to roll call.

The vote was as follows:

Ayes: McKay, Teagarden, Allen, Linzell, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

Mr. McKay commended the excellent quality of a progress report dated August 17, 1954, by the Comptroller's committee. He said that he thought that members of the Commission would do very well to receive more of similar reports dealing with major problems. The Chairman said that the staff was doing its best to get reports out. Mr. McKay said that the report was very informative, very well done, and kept one abreast so that, at least so far as he was concerned, he did not come to Commission meetings and walk into something that was brand new and have to question whether to vote yes or to not vote yes.

The Executive Director reported that as of August 15, 1954, a total of 39.59 percent of the Turnpike had been completed as compared with a scheduled completion estimate of 40.7 percent and that the time gap between actual progress and scheduled progress had been close to about five days. He said that could be regarded as generally very satisfactory and that it was somewhat amazing that the Commission was coming as close as it was to the degree of progress that had been scheduled many months prior. Referring to the Expedited Section, the Executive Director said that the Harrison Construction Company had completed the paving on Contract C-1 and expected to complete everything on that contract prior to December 1, 1954. He said that the contractor had performed splendidly during 1954 after a very slow start in 1953.

Turning then to Contract C-2 & 3, the Executive Director said that as of August 15, 1954, the contractor had placed 50.7 percent of the pavement involved in the contract and that he had completed a total of 62.4 percent of his total contract, whereas he had had a scheduled completion of 79.7 percent. He said that the contractor was behind principally in

structures and pavement. He said that although he regarded the progress on paving and structures as leaving something to be desired, the contractor was not entirely at fault because there had been encountered innumerable unsatisfactory foundation soil situations which had been definitely delaying the contractor in his construction. He said that because of the very large amount of rubbery blue till which had had to be removed and replaced with some sort of a suitable material the construction costs to the Commission on that contract had been appreciably increased over the contract prices. He said that he had spent two days on the work with Mr. Jenkins of the Consulting Engineer and Mr. Sheley of the Chief Engineer's office and a representative of the Contracting Engineer and that all construction matters at that time at issue with the contractor had been considered and that where there had been any doubt decisions had been made so that the contractor could not claim that those various matters which had been presented by the contractor had not been decided. He said that where there had been any doubt the question had been resolved in favor of the contractor in order to expedite the construction and to insure completion of the pavement by the scheduled date. He said that even so there must be good construction weather during the following six or eight weeks to assure completion of the pavement.

The Executive Director reported concerning Contract C-4a & 5a that the Bero Construction Company on August 15, 1954, had completed only 24.4 percent of the pavement on the Expedited Section of its contract but that it was then operating two paving mixers. He said that he felt certain that with the contractor's current rate of production and a continuation of favorable weather, the expedited portion of the contract could be completed by December 1, 1954.

The Executive Director said that progress on other contracts might be considered as generally satisfactory. He said that paving operations were underway on ten contracts and that other contractors were planning to start paving soon. He said that he had no concern whether fifty percent of the paving would be completed during 1954 since he would just as soon that the paving be done in 1955 after some of the fills had settled through the winter if there were to be any further settlement. He said that problems were many and sometimes difficult and that soils problems relating to foundations had become somewhat onerous and very frequent. He said that the worst problem of all was

what he called the gold-plated hill which constituted the east approach to the Cuyahoga River bridges.

The Executive Director said that with very, very few exceptions the Ohio contractors had caused the Commission little trouble on the Turnpike and that they had been doing fine work. He said that one of them, V. N. Holderman & Sons, Incorporated, had so far outdistanced other paving contractors that there had been no comparison. He said that that contractor had achieved seven thousand lineal feet of twelve-foot pavement in one day of two shifts. He said that he did not mean in any way to deprecate the contractors from out of the state who had generally been performing quite satisfactorily but that he did want to take off his hat to the Ohio contracting fraternity as represented on the Turnpike.

The Executive Director reported that there had been a rather considerable increase in probable construction costs. He said that the report made on July 12, 1954, had showed increased construction costs of \$845,960 and that the latest report showed increases amounting to an estimated \$1,429,000. He said that such increases had been anticipated and that there would be further increases but that the Commission was still well within the amount that had been contemplated for construction costs additional to those of the contract prices, plus claims. He said that he felt certain that the contingency fund was more than ample to take care of them.

The Executive Director reported that under the Trust Indenture the Commission was required to insure all bridges costing in excess of \$500,000. He said that written proposals had been received from representatives of various underwriters on July 22, 1954, and that recommendations had been made by the Commission's Insurance Consultant and its Insurance Administrator on awards which he had been empowered to make and that he had made the awards on August 23, 1954. He said that the total cost of the bridges to be insured was \$12,905,000. He said that bridges were not insured until they had been actually completed and accepted and that insurance had been placed on the one bridge so far accepted. He said that the cost to the Commission for insurance for all the bridges, including the one already insured, would amount to \$14,840.75 a year. He said that there had been two low bidders with identical figures, the McElroy-Minister Agencies and the Grubers Columbus Agency, both of which

represented the Insurance Company of North America. He said that he had concurred in the recommendation that the award be made to both firms with the McElroy-Minister Agencies receiving sixty percent of the fee and being responsible entirely for the handling of the insurance and for any matters which might occur after the insurance had been written, and the Gruber Columbus Agencies receiving forty percent of the fee and having nothing to do with any future matters which might come up between the Commission and the insurance company.

The Executive Director reported that rules and regulations for use and occupancy of the Ohio Turnpike Project No. 1 had been prepared and were being studied by the General Counsel; that the plans and the contract documents for traffic signs had been completed and were being reviewed by the Chief Engineer and the General Counsel; that planning for emergency services was well along; and that requirements for initial maintenance equipment and maintenance materials on the Expedited Section had been determined and that the specifications were being prepared. He said that the Commission had already advertised for the purchase of three thousand tons of cinders with bids to be received on August 30, 1954.

Mr. McKay suggested that if purchases such as that of cinders were reimbursable out of current operating revenue some provision for consideration on reimbursement should be included in a resolution. The Chairman said he had no doubt that expenditures of that nature were reimbursable as an operating expense.

The Executive Director reported that an organization chart for the overall operation of the Turnpike had been prepared and was under review and that an organization for the toll collection and for the maintenance personnel would be presented later for the consideration of the Commission. He said that a new personnel director, Colonel Frank W. Forsythe, probably would report for duty with the Commission sometime in September, 1954. He said that Colonel Forsythe had been secretary of the Ohio Civil Service Commission for several decades and that he was quite experienced in personnel work. He said that Colonel Forsythe was a graduate of Ohio Wesleyan University and had been G-1 of the Army division during the war as personnel director in charge of personnel. He said that the new Personnel Director definitely

would continue the policy of the Commission of selecting employees entirely upon merit and without any consideration of political affiliations.

The Executive Director then displayed to the Commission two types of uniforms being considered for toll collection personnel. The Insurance Administrator explained that each uniform which would be furnished to the toll collectors would cost the Commission about \$150.00 and would consist of two caps, two coats, five shirts and three pairs of trousers. The Commission indicated the style of uniform and the style of cap it favored and indicated also a preference for two shades of green.

The Executive Director said that the maintenance of the uniform was to be taken care of by the individual and that the wearer would be expected to use the uniform for a determined uniform-life period. He said that one reason for a stripe on the trousers was to discourage the wearing of the uniforms off duty.

The Director of Information and Research presented to the Commission for its consideration a resolution adopting names for the interchanges and gateways on Ohio Turnpike Project No. 1 and a resolution adopting names for the maintenance buildings on Ohio Turnpike Project No. 1. After some discussion the Commission agreed that it would accept the names for interchanges and gateways proposed in a memorandum to the members of the Commission under date of August 18, 1954 from the Director of Information and Research with the exception of the names proposed for the interchanges at State Route 53, State Route 10, and U. S. Route 42.

Mr. Teagarden suggested that the interchange at State Route 53 be named Fremont-Port Clinton. Mr. McKay suggested that the interchange at State Route 10 be named North-Olmsted-Cleveland and that the interchange at U. S. Route 42 be named Strongsville-Cleveland.

Resolution No. 124-1954, adopting names for the interchanges and gateways on Ohio Turnpike Project No. 1, was moved for adoption by Mr. Teagarden, seconded by Mr. McKay, as follows:

Resolution No. 124-1954

"WHEREAS the Commission's director of information and research by memorandum, dated August 18, 1954, directed to the Commission has submitted a report with respect to the naming of the interchanges and gateways on Ohio Turnpike Project No. 1, which report supplements and amends, in part, the director's prior report of July 15, 1954; and

WHEREAS the director has proposed a name for each gateway and interchange on Ohio Turnpike Project No. 1, and the Commission has duly and fully considered the same;

NOW, THEREFORE, BE IT

RESOLVED that the names proposed in the aforesaid memorandum, dated August 18, 1954, addressed to the commissioners by the director of information and research be, and the same hereby are, accepted and adopted with the exception of the name for the interchanges at State Routes 10, 42, and 53; and

FURTHER RESOLVED that said interchanges at State Routes 10, 42, and 53 be named "North Olmsted-Cleveland," "Strongsville-Cleveland," and "Fremont-Port Clinton," respectively."

A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

Ayes: Teagarden, McKay, Allen, Linzell, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

The list of names for interchanges and gateways adopted by resolution No. 124-1954 was as follows:

EASTGATE --gateway near junction of Ohio and Pennsylvania Turnpikes southeast of Youngstown.

YOUNGSTOWN --State Route 7 south of Youngstown.

NILES-YOUNGSTOWN--State Route 18 west of Youngstown.

WARREN--State Route 5 west of Warren.

STREETSBORO -- State Route 14 southeast of Cleveland.

AKRON -- State Route 8 north of Akron.

CLEVELAND -- U. S. Route 21 south of Cleveland.

STRONGSVILLE-CLEVELAND -- U. S. Route 42 southwest of Cleveland.

NORTH OLMSTED-CLEVELAND -- State Route 10 west of Cleveland.

LORAIN-ELYRIA -- State Route 57 on north edge of Elyria.

SANDUSKY-NORWALK -- U. S. Route 250 between Sandusky and Norwalk.

FREMONT-PORT CLINTON -- State Route 53 north of Fremont.

STONY RIDGE-TOLEDO -- new State Route 120 south of Toledo.

MAUMEE-TOLEDO -- U. S. Route 20 southwest of Toledo.

WAUSEON -- State Route 108 north of Wauseon.

BRYAN-MONTPELIER -- State Route 15 north of Bryan.

WESTGATE -- gateway near Ohio-Indiana line northwest of Bryan.

Resolution No. 125-1954, adopting the names for the maintenance buildings on Ohio Turnpike Project No. 1, was moved for adoption by Mr. McKay, seconded by Mr. Allen, as follows:

Resolution No. 125-1954

"WHEREAS the Commission's director of information and research by memorandum, dated August 19, 1954, addressed to the members of the Commission has recommended a name for each of the several proposed maintenance buildings on Ohio Turnpike Project No. 1, and the Commission has duly and fully considered the same;

NOW, THEREFORE, BE IT

RESOLVED that the Commission hereby accepts and adopts the names recommended in the aforesaid memorandum to the Commission from the director of information and research, dated August 19, 1954, as the names for the respective maintenance buildings listed therein; each such name shall also be applicable to the entire maintenance area upon which the respective maintenance building is situated."

A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

Ayes: McKay, Allen, Linzell, Teagarden, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

The list of names adopted for maintenance buildings by resolution No. 125-1954 was as follows:

<u>NO.</u>	<u>LOCATION-COUNTY</u>	<u>RECOMMENDED NAME</u>
M-1	Mahoning (Tippecanoe Road)	CANFIELD
M-2	Portage (State Route 700)	HIRAM STATION
M-3	Summit (Boston Mills Road)	BOSTON
M-4	Lorain (Oberlin Road)	AMHERST
M-5	Erie (State Route 269)	CASTALIA
M-6	Ottawa (State Route 105)	ELMORE
M-7	Fulton (Fulton-Lucas Road)	SWANTON
M-8	Williams (State Route 569	KUNKLE

Mr. McKay produced an editorial from the Cleveland News which dealt with dried-up wells. He said that the editorial was friendly and he suggested that some member of the staff write to N. R. Howard, Editor of the Cleveland News, explaining what had been done concerning such wells. The Chairman instructed the Executive Director to write such a letter to Mr. Howard.

The General Counsel reported that Section 505 of the Trust Agreement, under which the Commission's bonds had been issued, required that before any portion of the Turnpike should be opened to traffic, the Commission should prepare a preliminary budget of income and current expenses for the balance of the fiscal year during any portion of which any portion of the Turnpike was to be opened, and if such portion were to be opened to traffic between the twentieth day of October and the 31st day of December of that year, there must also be prepared a preliminary budget of income and expenses for the ensuing fiscal year. He said that since it was contemplated that a portion of Ohio Turnpike Project No. 1 would be opened to traffic on December 1, 1954, both portions of that requirement of Paragraph 505 of the Trust Indenture applied and that he recommended that the Commission adopt a resolution whereunder it would direct the Comptroller and Executive Director to prepare such preliminary budgets, one for the period of operation in 1954, and the other covering all operations for the year 1955.

The General Counsel explained that the matter had nothing to do with construction but that it had to do with revenue and current expenses.

Resolution No. 126-1954, directing the preparation of preliminary budgets for the fiscal years 1954 and 1955, was moved for adoption by Mr. Allen, seconded by Mr. Linzell, as follows:

Resolution. 126-1954

"WHEREAS it is provided by §505 of the trust agreement between the Commission and The Ohio National Bank of Columbus, as trustee, and The National City Bank of New York, as co-trustee, that, before any portion of the turnpike shall be opened for traffic, the Commission will prepare a preliminary budget of income and

current expenses for the balance of the fiscal year and, in case any such portion shall be opened for traffic between the 20th day of October and the 31st day of December, a preliminary budget of income and current expenses for the ensuing fiscal year; and

WHEREAS it is contemplated that that portion of Ohio Turnpike Project No. 1 between the Pennsylvania state line and the interchange at State Route 18 will be opened for traffic on December 1, 1954, and that the entire turnpike will be opened for traffic on or about October 1, 1955;

NOW, THEREFORE, BE IT

RESOLVED that the comptroller and the executive director be, and they hereby are, authorized and directed to prepare forthwith a preliminary budget of income and current expenses for the balance of the fiscal year 1954 covering the operation of that portion of Ohio Turnpike Project No. 1 to be opened for traffic on or about December 1, 1954, and a preliminary budget of income and current expenses for the fiscal year 1955 covering the operation of the entire turnpike."

A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

Ayes: Allen, Linzell, Teagarden, McKay, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

The General Counsel said that it was the full expectation of the Commission's staff that prior to the making of final payments to construction contractors there would be required affidavits to be furnished by them to the effect that they had paid all their bills for labor and expenses incurred in connection with the performance of their respective contracts with the Commission. He said that it was desired that those affidavits have as much compulsive effect as possible, and that it was conceivable that if the Commission should adopt a resolution which in terms would require the procuring of such affidavits it might have the effect of causing the rendition of a false affidavit to subject the affiant to the penalties pre-

scribed in the statute having to do with larceny by trick. He said that in any event, what was sought to be accomplished was to lend as much sanction as possible to the furnishing of affidavits to the Commission. The General Counsel said that it was open to serious question under the law whether the furnishing of an affidavit of that sort would subject the affiant to the penalties of perjury. He recommended that a resolution on the subject which he had drawn be adopted.

Resolution No. 127-1954, requiring the Executive Director or Chief Engineer to obtain affidavits from contractors before final payment, was moved for adoption by Mr. Teagarden, seconded by Mr. Linzell, as follows:

Resolution No. 127-1954

"WHEREAS the Commission deems it advisable before making final payment to certain of its construction contractors that such contractors furnish to the Commission evidence that all persons, firms, or corporations contributing labor and materials to the construction of Ohio Turnpike Project No. 1 in connection with such contracts shall have been paid;

NOW, THEREFORE, BE IT

RESOLVED that before certification to the trustee of the final payment due the contractor under any construction contract involving aggregate expenditures in excess of \$1,000, the executive director or chief engineer shall obtain from such contractor an affidavit that all debts for labor and materials incurred in the performance of such contract have been paid. Such affidavits shall be in substantially the form which is attached hereto, marked "Exhibit A," and hereby made a part hereof. Before certification to the trustee of final payment due to any person under any other contract, the executive director, chief engineer, or any other officer of the Commission may, if he deems it advisable, require a similar affidavit."

"Exhibit A"

AFFIDAVIT

STATE OF OHIO _____)
COUNTY OF _____) SS:

I, _____, having my permanent residence
(officer)
in the City of _____, State of _____,
being duly sworn, do hereby certify that I am the _____
(title)
of _____, hereinafter called the
(contractor)
"Contractor," that as such _____, I
(title)
have knowledge of the account for labor, for materials, and for
furnishing plant, equipment, and supplies used by said Contractor
in connection with the work performed in the construction of
_____, a part of Ohio Turnpike
(description of construction)
Project No. 1, as provided in the Contract dated _____
_____, known as Contract No. _____, by
and between the said Contractor and the Ohio Turnpike Commission,
and I also have knowledge of the things done by said Contractor in
the course of the performance of said contract, and of its
obligations thereunder; that to the best of my knowledge and
belief, all bills and accounts for labor, for materials, and for
furnishing plant, equipment, and supplies aforesaid have been
fully paid by the said Contractor; that all subcontractors have
been paid in full; that all persons employed by said Contractor in
the performance of said Contract have been paid the full wages

earned which have been not less than the minimum wages required by law to be paid to persons engaged in public work in the locality, as required by the Contract; that all public or private property damaged or injured in the execution of the work, directly or indirectly, has been restored to a condition equal to that existing before such damage or injury occurred, or otherwise made good as required under §G-7.09 of the Specifications; that the Contractor and his subcontractors have paid all bills, payrolls, and costs of every type and nature whatsoever connected with the performance of the Contract; and that he makes this affidavit for the purpose of inducing the Ohio Turnpike Commission to pay the balance of monies owing under said Contract, said affidavit being required by the commission pursuant to §G-9.07 of the General Specifications for Ohio Turnpike Project No. 1.

By _____

Name

Title

Subscribed and sworn to before me this _____ day of _____,
195____.

Notary Public

A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

Ayes: Teagarden, Linzell, Allen, McKay, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

Resolution No. 128-1954, finding it necessary to change the location of a portion of Fulton-Union Road, Fulton County, Ohio, was moved for adoption by Mr. Linzell, seconded by Mr. McKay, as follows:

Resolution No. 128-1954

"WHEREAS a portion of Fulton-Union Road, a county road in Fulton County, Ohio intersects the route to be traversed by Ohio Turnpike Project No. 1; and

WHEREAS §5537.05 of the Revised Code of Ohio provides for the relocation of any portion of any public road upon the Commission's finding that it is necessary to change the location thereof;

NOW, THEREFORE, BE IT

RESOLVED that the Commission, having duly and fully considered the same, hereby finds it necessary to change the location of that portion of Fulton-Union Road situated in the township of Fulton, county of Fulton, and state of Ohio lying between a line drawn parallel to and distant 135 feet northerly of, measured on a line normal to, the centerline of Ohio Turnpike Project No. 1 as shown by plat recorded in Volume 4, Page 13 of Fulton County Map Records, and a line drawn parallel to and distant 120 feet southerly of, measured on a line normal to, said centerline;

FURTHER RESOLVED that the Commission hereby requests the Board of County Commissioners of Fulton County, Ohio to notify this Commission of the location which it deems most favorable for the relocation of that portion of Fulton-Union Road hereinabove described; and

FURTHER RESOLVED that the secretary of the Commission be, and he hereby is, instructed to transmit or to cause to be

transmitted a certified copy of this resolution to the commissioners of Fulton County, Ohio."

Mr. R. J. Lehman, Assistant to the Chief Engineer, said that Fulton-Union Road was one of those roads that the Commission had hoped the county officials would agree to vacating but that the staff therefore recommended that the road be relocated.

A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

Ayes: Linzell, McKay, Allen, Teagarden, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

The General Counsel presented a resolution whereby the Commission would rescind resolution No. 36-1954 which had directed the commencement of appropriation proceedings with respect to property owned by Frederick A. W. Stiefler and others. He said that the reason for the rescission was that since the adoption of that resolution there had been made revisions in the plans for construction on that particular land so that that which had been described in the previous resolution was not then precisely what was required. He recommended that the resolution be adopted.

Resolution No. 129-1954, rescinding condemnation resolution No. 36-1954, due to changes in and revision of construction plans, was moved for adoption by Mr. Teagarden, seconded by Mr. McKay, as follows:

Resolution No. 129-1954

"WHEREAS certain revisions in the construction plans have altered the right-of-way requirements in connection with property owned by Frederick A. W. Stiefler et al., and

WHEREAS resolution No. 36-1954 adopted February 9, 1954 which directed the commencement of appropriation proceedings against the above-mentioned owners, is now inaccurate because of the revisions in plans mentioned above.

NOW, THEREFORE, BE IT

RESOLVED that resolution No. 36-1954 adopted February 9, 1954; be, and the same hereby is, rescinded."

A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

Ayes: Teagarden, McKay, Allen, Linzell, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

The General Counsel presented to the Commission the written statement of the Chief of the Right-of-Way Section with respect to the unsuccessful efforts of the Commission's negotiators to reach agreement with respect to the amounts to be paid by the Commission for certain parcels of land and his recommendation that such properties be appropriated; also, the written statement of the Chief Engineer that the acquisition of this property was necessary for the construction of Ohio Turnpike Project No. 1; a written statement of the concurrence of the Executive Director in the recommendations of the Chief Engineer and the Chief of the Right-of-Way Section, and the General Counsel's written recommendation that title be acquired as and to the extent set forth in the forms of resolutions presented to the Commission by the General Counsel.

Resolutions Nos. 130-1954, 131-1954, 132-1954, 133-1954, 134-1954, 135-1954, 136-1954, and 137-1954, declaring the necessity of appropriating property and directing that proceedings to effect such appropriation be begun and prosecuted, were moved respectively by Mr. Linzell, seconded respectively by Mr. Teagarden, as follows:

Resolution No. 130-1954

"RESOLVED that the Commission has endeavored for a reasonable time to agree with the owner or owners of the property described herein as to the compensation to be paid therefor, but has been unable to agree with said owner or owners, and said property is needed for the construction and efficient operation of the Ohio Turnpike Project No. 1, and

BE IT FURTHER RESOLVED that proceedings be begun and prosecuted to effect the appropriation of the following-described property, and rights hereinafter described, from the following-named owner or owners and persons having interests therein, to-wit:

<u>Owner(s)</u>	<u>Place of Residence</u>
Joseph A. Bendik	South Range Center Road New Springfield, Ohio
County Auditor of Mahoning County	Mahoning County Court House Youngstown, Ohio
County Treasurer of Mahoning County	Mahoning County Court House Youngstown, Ohio

The aforementioned property to be appropriated is described as follows:

Parcel No. 196-D(1) -- Fee Simple

Reserving to the owner herein an easement for ingress and egress to serve his remaining lands, over that portion of the following-described premises lying Northerly of a point 700 feet North of Station 1075+75 on the centerline of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 33, Page 25 of Mahoning County Map Records.

Situated in the Township of Springfield, County of Mahoning and State of Ohio, and known as being part of Original Springfield Township Section No. 21, and bounded and described as follows:

Beginning on the center line of South Range Center Road, said center line being also the Northerly line of said Section No. 21, at the Northeasterly corner of Parcel No. 4

of land conveyed to Joseph A. Bendik and Catherine Bendik, by deed dated September 1, 1931 and recorded in Volume 416, Page 391 of Mahoning County Deed Records; thence South 88° 10' West along the center line of said South Range Center Road, 14.00 feet to the Northwestern corner of Parcel No. 3 as described in said deed; thence South 1° 33' 30" East along the Westerly line of said Parcel No. 3, 1110.78 feet to the Southwesterly corner thereof; thence North 88° 10' 00" East along the Southerly line of said Parcel No. 3, 7.00 feet to the Northwestern corner of Parcel No. 1 as described in said deed; thence South 1° 33' 30" East along the Westerly line of said Parcel No. 1, 292.97 feet to its intersection with a line drawn parallel to and distant 120 feet Northeasterly of, measured on a line normal to, said center line of Ohio Turnpike Project No. 1; thence Southeasterly along said parallel line to a point distant 120 feet Northeasterly of and opposite Station 1089 + 50 on said Turnpike center line; thence North 53° 53' 17" West 158.78 feet to a point distant 160 feet Northeasterly of and opposite Station 1088+ 00 on said Turnpike center line; thence North 72° 35' 07" West 308.24 feet to a point distant 150 feet Northeasterly of and opposite Station 1085+00 on said Turnpike center line; thence North 58° 27' 34" West 159.54 feet to a point distant 190 feet Northeasterly of and opposite Station 1083+50 on said Turnpike center line; thence North 43° 41' 21" West 108.40 feet to a point distant 245 feet Northeasterly of and opposite Station 1082+60 on said Turnpike center line; thence North 12° 13' 21" West 301.17 feet to a point distant 20.00 feet Southerly of, measured at right angles to, the Northerly line of Parcel No. 1 of lands conveyed to Joseph A. Bendik and Catherine Bendik, as aforesaid; thence Northwesternly on a curved line deflecting to the right to the Northerly line of said Parcel No. 1, said curved line having a radius of 75 feet and if prolonged an arc distance of 107.10 feet would have a chord bearing North 50° 55' 30" West 98.23 feet; thence South 88° 10' West along the Northerly line of said Parcel No. 1 to the Southeasterly corner of land described as Parcel No. 4 in said deed to Joseph A. Bendik and Catherine Bendik; thence North 1° 33' 30" West along the Easterly line of said Parcel No. 4, 1,110.78 feet to the place of beginning.

Parcel No. 196-D(3) -- Fee Simple

Situated in the Township of Springfield, County of Mahoning and State of Ohio, and known as being part of Original Springfield Township Section No. 21, and bounded and described as follows:

Beginning on the Westerly line of Parcel No. 1 of lands conveyed to Joseph A. Bendik and Catherine Bendik, by deed dated September 1, 1931, and recorded in Volume 416, Page 391 of Mahoning County Deed Records, at its intersection with a line drawn parallel to and distant 150 feet Southwesterly of, measured on a line normal to, the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 33, Page 25 of Mahoning County Map Records; thence Southeasterly along said parallel line to a point opposite Station 1086+00 on said Turnpike center line; thence Westerly to a point distant 170 feet Southwesterly of and opposite Station 1085+20 on said Turnpike center line; thence Southwesterly on a line drawn normal to said Turnpike center line 527.13 feet; thence Northwesterly to an included angle of 96° 31' 23" with said last described line to the intersection with the Westerly line of Parcel No. 1 of lands conveyed to Joseph A. Bendik and Catherine Bendik as aforesaid; thence Northerly along the Westerly line of said Parcel No. 1, to the place of beginning.

The aforementioned rights to be appropriated are as follows:

Any and all abutters' rights, including access rights, appurtenant to any remaining portion of the lands of said owner or owners of which the above-described real estate shall have formed a part prior hereto, in, over, or to the parcels described above as Parcels Nos. 196-D(1) and 196-D(3), except as herein above reserved."

Resolution No. 131-1954

"RESOLVED that the Commission has endeavored for a reasonable time to agree with the owner or owners of the property described herein as to the compensation to be paid therefor, but has been unable to agree with said owner or owners, and said property is needed for the construction and efficient operation of the Ohio Turnpike Project No. 1, and

BE IT FURTHER RESOLVED that proceedings be begun and prosecuted to effect the appropriation of the following-described property, and the rights hereinafter described, from the following-named owner or owners and persons having interests therein, to-wit:

<u>Owner(s)</u>	<u>Place of Residence</u>
William Homer Dey	New Springfield, Ohio
Vera Esther Dey	New Springfield, Ohio
The Citizens Savings Bank	Columbiana, Ohio
Clara Gahring	New Middletown, Ohio
County Auditor of Mahoning County	Mahoning County Court House Youngstown, Ohio
County Treasurer of Mahoning County	Mahoning County Court House Youngstown, Ohio

The aforementioned property to be appropriated is described as follows:

Parcel No. 196-E(1) -- Fee Simple

Situated in the Township of Springfield, County of Mahoning and State of Ohio, and known as being part of Original Springfield Township Section No. 21 and bounded and described as follows:

Beginning on the center line of South Range Center Road, said center line being also the Northerly line of said Section No. 21, at the Northwesterly corner of Parcel No. 3 of lands conveyed to Joseph A. Bendik and Catherine Bendik, by deed dated September 1, 1931 and recorded in Volume 416, Page 391 of Mahoning County Deed Records; thence South 88° 10' West along the center line of said South Range Center Road, 23.00 feet; thence South 1° 33' 30" East parallel with the Westerly line of said Parcel No. 3, 743.77 feet to a point of curvature; thence

Southerly on a curved line deflecting to the right an arc distance of 29.22 feet, said curve having a radius of 470 feet and a chord bearing South 0° 13' 23" West 29.22 feet; thence South 59° 17' 19" West 48.24 feet but to a point distant 695 feet Northeasterly of and at right angles to, the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 33, Page 25 of Mahoning County Map Records at Station 1074+98.47 on said center line; thence North 78° 30' 59" West parallel with said Turnpike center line 98.47 feet; thence North 86° 20' 44" West 161.51 feet; thence South 77° 05' 23" West 188.86 feet; thence South 22° 02' 13" West 371.28 feet; thence South 86° 47' 33" West 197.16 feet to the Westerly line of land conveyed to William Homer Dey and Vera Esther Dey, by deed dated March 20, 1948 and recorded in Volume 605, Page 392 of Mahoning County Deed Records; thence South 1° 30' 51" East along the said Westerly line 25.65 feet to its intersection with a line drawn parallel to and distant 155 feet Northeasterly of, measured at right angles to, said Turnpike center line; thence South 78° 30' 59" East along said parallel line 883.47 feet to the Easterly line of land conveyed to William Homer Dey and Vera Esther Dey as aforesaid; thence North 1° 33' 30" West along the said Easterly line, 257.05 feet to the Southeasterly corner of Parcel No. 3 conveyed to Joseph A. Bendik and Catherine Bendik as aforesaid; thence South 88° 10' 00" West along the Southerly line of said Parcel No. 3, 7.00 feet to the Southwesterly corner thereof; thence North 1° 33' 30" West along the Westerly line of said Parcel No. 3, 1110.78 feet to the place of beginning.

Parcel No. 196-E(2) -- Fee Simple

Situated in the Township of Springfield, County of Mahoning and State of Ohio, and known as being part of Original Springfield Township Section No. 21, and bounded as follows:

Easterly, Westerly and Southerly by the Easterly, Westerly and Southerly lines of land conveyed to William Homer Dey and Vera Esther Dey, by deed dated March 20, 1948, and recorded in Volume 605, Page 392 of Mahoning County Deed Records; and

Northerly by a line drawn parallel to and distant 170 feet Southwesterly of, measured on a line normal to, the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 33, Page 25 of Mahoning County Map Records.

The aforementioned rights to be appropriated are as follows:

Any and all abutters' rights, including access rights, appurtenant to any remaining portion of the lands of said owner or owners of which the above-described real estate shall have formed a part prior hereto, in, over, or to the parcels described above."

Resolution No. 132-1954

"RESOLVED that the Commission has endeavored for a reasonable time to agree with the owner or owners of the property described herein as to the compensation to be paid therefor, but has been unable to agree with said owner or owners and persons having interests therein, to-wit:

<u>Owner(s)</u>	<u>Place of Residence</u>
Frank Medjimorec	R.D., New Springfield, Ohio
Mary Medjimorec	R. D., New Springfield, Ohio
County Auditor of Mahoning County	Mahoning County Court House Youngstown, Ohio
County Treasurer of Mahoning County	Mahoning County Court House Youngstown, Ohio

The aforementioned property to be appropriated is described as follows:

Parcel No. 196-F(1) -- Fee Simple

Situated in the Township of Springfield, County of Mahoning and State of Ohio, and known as being part of

Original Springfield Township Section No. 21, and bounded and described as follows:

Beginning on the Easterly line of land conveyed to Frank Medjimorec and Mary Medjimorec, by deed dated February 6, 1930 and recorded in Volume 402, Page 506 of Mahoning County Deed Records at its intersection with a line drawn parallel to and distant 155 feet Northeasterly of, measured at right angles to, the center line of Ohio Turnpike Project No. 1 as shown by plat recorded in Volume 33, Page 25 of Mahoning County Map Records; thence North $78^{\circ} 30' 59''$ West along said parallel line to a point opposite Station 1066+29 on said Turnpike center line; thence South $86^{\circ} 24' 40''$ East, 182.02 feet to the Easterly line of land conveyed to Frank Medjimorec and Mary Medjimorec as aforesaid; thence South $1^{\circ} 30' 51''$ East along said Easterly line 25.65 feet to the place of beginning.

Parcel No. 196-F(2) --Fee Simple

Situated in the Township of Springfield, County of Mahoning and State of Ohio, and known as being part of Original Springfield Township Section No. 21, and bounded and described as follows:

Beginning on the Easterly line of land conveyed to Frank Medjimorec and Mary Medjimorec, by deed dated February 6, 1930, and recorded in Volume 402, Page 506 of Mahoning County Deed Records, at its intersection with a line drawn parallel to and distant 170 feet Southwesterly of, measured at right angles to, the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 33, Page 25 of Mahoning County Map Records; thence North $78^{\circ} 30' 59''$ West along said parallel line to a point therein opposite Station 1065+40 on said Turnpike center line; thence South $67^{\circ} 37' 51''$ East 264.76 feet to a point distant 220 feet Southwesterly of and opposite Station 1068+00 on said Turnpike center line; thence South $29^{\circ} 24' 25''$ East 211.65 feet to a point in the Easterly line of land conveyed to Frank Medjimorec and Mary Medjimorec as aforesaid, distant 380 feet Southwesterly of, measured at right angles to, said Turnpike center line; thence Northerly along the Easterly line of land so conveyed to Frank Medjimorec and Mary Medjimorec to the place of beginning.

The aforementioned rights to be appropriated are as follows:

Any and all abutters' rights, including access rights, appurtenant to any remaining portion of the lands of said owner or owners of which the above-described real estate shall have formed a part prior hereto, in, over, or to the parcels described above."

Resolution No. 133-1954

"RESOLVED that the Commission has endeavored for a reasonable time to agree with the owner or owners of the property described herein as to the compensation to be paid therefor, but has been unable to agree with said owner or owners, and said property is needed for the construction and efficient operation of the Ohio Turnpike Project No. 1, and

BE IT FURTHER RESOLVED that proceedings be begun and prosecuted to effect the appropriation of the following-described property, and rights hereinafter described, from the following-named owner or owners and persons having interests therein, to-wit:

<u>Owner(s)</u>	<u>Place of Residence</u>
Nellie K. Schroeder	R. D. #1 Amherst, Ohio
C. F. Schroeder	R. D. #1 Amherst, Ohio
Clebert E. Swineford	Amherst, Ohio
County Auditor of Lorain County	Lorain County Court House Elyria, Ohio
County Treasurer of Lorain County	Lorain County Court House Elyria, Ohio

The aforementioned property to be appropriated is described as follows:

Parcel No. 114-F(2) -- Fee Simple

Situated in the Township of Amherst, County of Lorain and State of Ohio and known as being part of Original Township Lot No. 26 and bounded as follows:

Southerly, Easterly and Westerly by the Southerly, Easterly and Westerly lines of land conveyed to Nellie K. Schroeder, by deed dated September 10, 1929, and recorded in Volume 246, Page 467 of Lorain County Deed Records, and Northerly by a line parallel to and distant 710 feet Northerly of, measured at right angles to, the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 15, Page 56 of Lorain County Map Records.

The aforementioned rights to be appropriated are as follows:

Any and all abutters' rights, including access rights, appurtenant to any remaining portion of the lands of said owner or owners of which the above-described real estate shall have formed a part prior hereto, in, over, or to the parcel described above as Parcel No. 114-F(2)."

Resolution No. 134

"RESOLVED that the Commission has endeavored for a reasonable time to agree with the owner or owners of the property described herein as to the compensation to be paid therefor, but has been unable to agree with said owner or owners, and said property is needed for the construction and efficient operation of the Ohio Turnpike Project No. 1, and

BE IT FURTHER RESOLVED that proceedings be begun and prosecuted to effect the appropriation of the following-described property from the following-named owner or owners and persons having interests therein, to-wit:

<u>Owner(s)</u>	<u>Place of Residence</u>
Mary Klein	Priem Road Strongsville, Ohio
Walter Klein	Priem Road Strongsville, Ohio

Resolution No. 134-1954

"RESOLVED that the Commission has endeavored for a reasonable time to agree with the owner or owners of the property described herein as to the compensation to be paid therefor, but has been unable to agree with said owner or owners, and said property is needed for the construction and efficient operation of the Ohio Turnpike Project No. 1, and

BE IT FURTHER RESOLVED that proceedings be begun and prosecuted to effect the appropriation of the following-described property from the following-named owner or owners and persons having interests therein, to-wit:

<u>Owner(s)</u>	<u>Place of Residence</u>
Mary Klein	Priem Road Strongsville, Ohio
Walter Klein	Priem Road Strongsville, Ohio
The National City Bank of Cleveland,	Cleveland, Ohio
County Auditor of Cuyahoga County	Cuyahoga County Court House, Cleveland, Ohio
County Treasurer of Cuyahoga County	Cuyahoga County Court House, Cleveland, Ohio

The aforementioned property to be appropriated is described as follows:

Parcel No. 130-RR -- Permanent Easement for Highway
Purposes

Situated in the Village of Strongsville, County of Cuyahoga and State of Ohio, and known as being part of Original Strongsville Township Lot No. 90 and bounded as follows:

Westerly by the center line of Priem Road, 40 feet wide; Easterly by the Easterly line of land conveyed to Mary Klein, by deed dated December 27, 1948, and recorded

in Volume 6663, Page 92 of Cuyahoga County Deed Records;

Northerly by the Northerly line of land so conveyed to Mary Klein; and

Southerly by a line described as follows:

Beginning on the center line of Priem Road, 40 feet wide, at a point distant South 0° 16' 15" West, 340 feet, measured along said center line, from its intersection with the center line of Sprague Road 60 feet wide; thence South 89° 43' 56" East, 162.84 feet; thence South 88° 37' 05" East, 35.21 feet; thence South 84° 30' 13" East to the Easterly line of land conveyed to Mary Klein as aforesaid.

Parcel No. 130-RR(1) -- Permanent Easement for Drainage Purposes.

Situated in the Village of Strongsville, County of Cuyahoga and State of Ohio, and known as being part of Original Strongsville Township Lot No. 90, and being all that part of the lands described in the deed to Mary Klein, dated December 27, 1948, and recorded in Volume 6663, Page 92 of Cuyahoga County Deed Records, bounded and described as follows:

Beginning at a point on the center line of Priem Road distant 340 feet Southerly, measured along said center line from its intersection with the center line of Sprague Road; thence Easterly at right angles to said center line of Priem Road, 63 feet; thence Southeasterly in a direct line to the Easterly line of land described in the deed aforesaid at its intersection with a line drawn Easterly and normal to a point in the center line of Priem Road distant 440 feet Southerly, measured along said center line from its intersection with the center line of Sprague Road; thence Southerly along the Easterly line of land described in the deed aforesaid to its intersection with a line drawn Easterly and normal to a point in the center line of Priem Road distant 505 feet Southerly, measured along said center line from its intersection with the center line of Sprague Road; thence Northwesterly in a direct line passing through a point distant 20 feet Easterly, by normal measurement, from a point in the center line of Priem Road distant 390 feet Southerly, measured along said center line from its intersection with the center line of Sprague Road, but to the center line of Priem Road; thence Northerly along the center line of Priem Road to the place of beginning.

Excepting therefrom that portion thereof lying within the bounds of Priem Road, as now established."

Resolution No. 135-1954

"RESOLVED That the Commission has endeavored for a reasonable time to agree with the owner or owners of the property described herein as to the compensation to be paid therefor, but has been unable to agree with said owner or owners, and said property is needed for the construction and efficient operation of the Ohio Turnpike Project No. 1, and

BE IT FURTHER RESOLVED that proceedings be begun and prosecuted to effect the appropriation of the following-described property, the easements and rights hereinafter described, from the following-named owner or owners and persons having interests therein, to-wit:

<u>Owner(s)</u>	<u>Place of Residence</u>
Frederick A. W. Stiefler	176 South Garden Street Los Angeles, California
Fern Stiefler	176 South Garden Street Los Angeles, California
Marie P. Schedel	South Portage River Road Elmore, Ohio
Joseph Schedel	South Portage River Road Elmore, Ohio
County Auditor of Ottawa County	Ottawa County Court House Port Clinton, Ohio
County Treasurer of Ottawa County	Ottawa County Court House Port Clinton, Ohio

The aforementioned property to be appropriated is described as follows:

Parcel No. 66-C--Fee Simple

Subject to an easement, 15 feet wide, across the following-described premises at Station 334+74.33 on the centerline of Ohio Turnpike Project No. 1, under the Portage River turnpike bridge, said easement being reserved to the owners for their use and maintenance of a water line and service road.

Situated in the Township of Harris, County of Ottawa and State of Ohio and known as being part of Original Harris Township Section No. 24, Township 6 North, Range 13 East, and being all that part of the lands described in the deed to Frederick A. W. Stiefler dated August 26, 1938, and recorded in Volume 113, Page 492 of Ottawa County Deed Records, and bounded and described as follows:

Beginning on the center line of State Route No. 120 at the Southeasterly corner of land conveyed to Frederick A. W. Stiefler as aforesaid; thence Westerly along the Southerly line of land so conveyed to its intersection with a line parallel to the center line of State Route No. 120 and 120.00 feet Westerly therefrom measured on a line at right angles thereto; thence Northerly along said parallel line to its intersection with a line parallel to the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 8, Page 28 of Ottawa County Map Records and distant Southwesterly therefrom 125.00 feet measured on a line normal thereto; thence Northwesterly along said parallel line and along said line parallel to said center line as shown by plat recorded in Volume 8, Page 27a of Ottawa County Map Records, to the Westerly line of land conveyed to Frederick A. W. Stiefler as aforesaid, said Westerly line being the center line of the Portage River; thence Northeasterly along said Westerly line to its intersection with a line parallel to the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 8, Page 27a of Ottawa County Map Records, and distant Northeasterly therefrom 120.00 feet measured on a line normal thereto; thence Southeasterly along said parallel line and along said line parallel to said center line, as shown by plat recorded in Volume 8, Page 28 of Ottawa County Map Records to the Easterly line of land conveyed to Frederick A. W. Stiefler as aforesaid; thence Southerly along said Easterly line to the place of beginning.

Parcel No. 66-C(1) -- Permanent Easement for Highway Purposes.

Situated in the Township of Harris, County of Ottawa and State of Ohio and known as being part of Original Harris Township Section No. 24, Township 6 North, Range 13 East and bounded and described as follows:

Beginning on a line drawn parallel to and distant 120 feet Northeasterly of measured at right angles to, the centerline of Ohio Turnpike Project No. 1 as shown by plat recorded in Volume 8, Page 28 of Ottawa County Map Records at a point opposite Station 339+00 on said centerline; thence Northeasterly in a direct line to a point distant 60 feet Northwesterly of, measured on a line normal to, the hereinafter described Line "A" from a point therein distant 500 feet Northeasterly measured along said Line "A" from its intersection with said Turnpike centerline; thence Northeasterly in a direct line to a point distant 60 feet Northwesterly of, measured on a line normal to, said Line "A" from a point therein distant 700 feet Northeasterly measured along said Line "A" from its intersection with said Turnpike centerline; thence Northeasterly in a "straight line" to the Northeasterly line of land conveyed to Frederick A. W. Stiefler by deed dated August 26, 1938 and recorded in Volume 113, Page 492 of Ottawa County Deed Records, which "straight line" if prolonged would intersect a point distant 30 feet Northwesterly of, measured on a line normal to the hereinafter described Line "A" from a point therein distant 1041.25 feet Northeasterly measured along said Line "A" from its intersection with the said Turnpike centerline; thence Southeasterly along the Northeasterly line of land so conveyed to Frederick A. W. Stiefler to its intersection with a straight line drawn from a point distant 30 feet Southeasterly of, measured on a line normal to said Line "A" from a point therein distant 1041.25 feet Northeasterly measured along said Line "A" from its intersection with said Turnpike centerline to a point distant 50 feet Southeasterly of, measured on a line normal to, said Line "A" from a point therein distant 600 feet Northeasterly measured along said Line "A" from its intersection with said Turnpike centerline; thence Southwesterly along said last described line to the last mentioned point; thence Southwesterly in a direct line

to a point distant 120 feet Northeasterly of, measured at right angles to, said Turnpike centerline from Station 340+75; thence Northwesterly parallel with said Turnpike Centerline 175 feet to the point of beginning.

Line "A" referred to above, which is also the centerline of Portage River-South Road as proposed to be relocated, is described as follows:

Beginning on the centerline of Ohio Turnpike Project No. 1 as shown by plat recorded in Volume 8, Page 28 of Ottawa County Map Records at Station 339+60 thence Northeasterly on a straight line forming an angle of 76° with said Turnpike centerline, measured from Southeast to Northeast, a distance of 305.66 feet to a point of curve; thence Northeasterly on a curved line deflecting to the right an arc distance of 664.44 feet to a point of tangency, said curve having a radius of 1909.86 feet and a central angle of 19° 56' 00"; thence Northeasterly on a line tangent to said curve a distance of 71.15 feet to the end of said relocation.

Parcel No. 66-C(2) -- Permanent Easement for Highway Purposes.

Situated in the Township of Harris, County of Ottawa and State of Ohio and known as being part of Original Harris Township Section No. 24, Township 6 North, Range 13 East and being all that part of the following described premises lying within the bounds of land conveyed to Frederick A. W. Stiefeler by deed dated August 26, 1938 and recorded in Volume 113, Page 492 of Ottawa County Deed Records.

Beginning on a line drawn parallel to and distant 125 feet Southwesterly of, measured at right angles to, the centerline of Ohio Turnpike Project No. 1 as shown by plat recorded in Volume 8, Page 28 of Ottawa County Map Records at a point opposite Station 338+50 on said centerline; thence Southwesterly in a direct line to a point distant 50 feet Northwesterly of, measured on a line normal to, the hereinafter described Line "A" from a point therein distant 400 feet Southwesterly, measured along said Line "A" from its intersection with said Turnpike centerline; thence Southwesterly in a direct line to a point distant 40 feet Northwesterly of, measured on a line normal to, the hereinafter described Line "A" from a point therein distant 713.99 feet Southwesterly,

measured along said Line "A", from its intersection with said Turnpike centerline; thence Southwesterly in a direct line to a point distant 30 feet Northwesterly of, measured on a line normal to, the hereinafter described Line "A" from a point therein distant 892.99 feet Southwesterly, measured along said Line "A", from its intersection with said Turnpike centerline; thence Southeasterly at right angles with the last course of the hereinafter described Line "A" 60 feet; thence Northeasterly in a direct line to a point distant 60 feet Southeasterly of, measured on a line normal to, the hereinafter described Line "A" from a point therein distant 400 feet Southwesterly, measured along said Line "A" from its intersection with said Turnpike centerline; thence Northeasterly in a direct line to a point distant 125 feet Southwesterly of, measured at right angles to, said Turnpike centerline from Station 340+20; thence Northwesterly parallel with said Turnpike centerline 170 feet to the point of beginning.

Line "A" referred to above, which is also the centerline of Portage River-South Road as proposed to be relocated is described as follows:

Beginning on the centerline of Ohio Turnpike Project No. 1 as shown by plat recorded in Volume 8, Page 28 of Ottawa County Map Records at Station 339+60 thence Southwesterly on a straight line forming an angle of 76° with said Turnpike centerline, measured from Northwest to Southwest, a distance of 713.99 feet to a point of curve; thence Southwesterly on a curved line deflecting to the left an arc distance of 167.08 feet to a point of tangency, said curve having a radius of 1432.39 feet and a central angle of 6° 41' 00"; thence Southwesterly on a line tangent to said curve a distance of 11.92 feet to the end of said relocation.

Parcel No. 66-C(4) -- Permanent Easement for Highway Purposes.

Situated in the Township of Harris, County of Ottawa and State of Ohio and known as being part of Original Harris Township Section No. 24, Town 6 North, Range 13 East and being all that part of the lands described in the deed to Frederick A. W. Stiefler, dated August 26, 1938 and recorded in Volume 113, page 492 of Ottawa County Deed Records and bounded and described as follows:

Beginning on the center line of State Route No. 120 at its intersection with a line drawn parallel to and distant 120 feet Northeasterly, measured on a line normal to the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 8, page 28 of Ottawa County Map Records; thence Northwesterly along said parallel line to a point distant 80 feet Westerly measured at right angles from a point on the center line of said State Route No. 120; thence Northerly and parallel with the center line of State Route No. 120, 46.37 feet; thence Northerly in a direct line to a point distant 60 feet Westerly, measured at right angles from a point on the center line of State Route No. 120 distant 700 feet Northerly, measured along said center line from its intersection with the center line of Ohio Turnpike Project No. 1, as aforesaid; thence Northeasterly in a "straight line" to the Northeasterly line of land so conveyed to Frederick A. W. Stiefler, as aforesaid, which "straight line" if prolonged would intersect a point distant 40 feet Westerly, measured at right angles from a point on the center line of said State Route No. 120 distant 1000 feet Northerly, measured along said center line from its intersection with the center line of said Ohio Turnpike Project No. 1, as aforesaid; thence Southeasterly along the Northeasterly line of land so conveyed to the center line of said State Route No. 120; thence Southerly along the center line of said State Route No. 120 to the place of beginning.

Excepting therefrom that portion thereof lying within the bounds of State Route No. 120, as now established.

Parcel No. 66-C(5) -- Temporary Easement for Detour Purposes.

Situated in the Township of Harris, County of Ottawa and State of Ohio and known as being part of Original Harris Township Section No. 24, Town 6 North, Range 13 East and being all that part of the lands described in the deed to Frederick A. W. Stiefler, dated August 26, 1938 and recorded in Volume 113, page 492 of Ottawa County Deed Records and bounded and described as follows:

Beginning on the center line of State Route No. 120 at its intersection with a line drawn parallel to and distant 120 feet

Northeasterly, measured on a line normal to the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 8, page 28 of Ottawa County Map Records; thence Northwesterly along said parallel line to a point distant 80 feet Westerly, measured at right angles from the center line of said State Route No. 120 and the principal place of beginning; thence continuing Northwesterly along said parallel line to a point distant 120 feet Westerly, measured at right angles from the center line of said State Route No. 120; thence Northerly and parallel with the center line of said State Route No. 120; thence Northerly and parallel with the center line of said State Route No. 120, 32.88 feet; thence Northeasterly in a direct line to a point distant 100 feet Westerly, measured at right angles from a point on the center line of said State Route No. 120, distant 700 feet Northerly, measured along said center line from its intersection with the center line of said Ohio Turnpike Project No. 1, as aforesaid; thence Northeasterly in a "straight line" to the Northeasterly line of land so conveyed to Frederick A. W. Stiefler, as aforesaid, which "straight line" if prolonged would intersect a point distant 80 feet Westerly, measured at right angles from the center line of said State Route No. 120, distant 1000 feet Northerly, measured along said center line from its intersection with the center line of said Ohio Turnpike Project No. 1, as aforesaid; thence Southeasterly along the Northeasterly line of land so conveyed to Frederick A. W. Stiefler, as aforesaid, to its intersection with a "straight line" which "straight line" is drawn from a point distant 60 feet Westerly, measured at right angles from a point on the center line of State Route No. 120, distant 700 feet Northerly, measured along said center line from its intersection with the center line of said Ohio Turnpike Project No. 1, as aforesaid, to a point distant 40 feet Westerly, measured at right angles from a point on the center line of State Route No. 120, distant 1000 feet Northerly, measured along said center line from its intersection with the center of said Ohio Turnpike Project No. 1, as aforesaid; thence Southerly along said straight line to a point distant 60 feet Westerly, measured at right angles from a point on the center line of State Route No. 120, distant 700 feet Northerly, measured along said center line from its intersection with the center line of Ohio Turnpike Project No. 1, as aforesaid; thence Southwesterly in a direct line to a point distant 80 feet Westerly, measured at right angles from a point on the center line of said

State Route No. 120, distant 200 feet Northerly, measured along said center line from its intersection with the center line of said Ohio Turnpike Project No. 1; thence Southerly and parallel with the center line of State Route No. 120, 46.37 feet to the principal place of beginning.

Parcel No. 66-U -- Permanent Easement for Highway Purposes.

Situated in the Township of Harris, County of Ottawa and State of Ohio, and known as being part of Original Harris Township Section No. 24, Township 6 North, Range 13 East, and bounded as follows:

Northerly by the Southwesterly line of land conveyed to Clifford Miller by deed dated August 1, 1950 and recorded in Volume 158, Page 294 of Ottawa County Deed Records; Southerly by the Northeasterly line of land conveyed to Frederick A. W. Stiefler by deed dated August 26, 1938, and recorded in Volume 113, Page 492 of Ottawa County Deed Records; Easterly by the Easterly line of said Section No. 24, being also the center line of State Route No. 120, and Westerly by a line drawn from a point distant 60 feet Westerly of, measured at right angles to, the Easterly line of said Section No. 24 from a point therein distant 700 feet Northerly, measured along said Section Line from its intersection with the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 8, Page 28 of Ottawa County Map Records to a point distant 40 feet Westerly of, measured at right angles to the Easterly line of said Section No. 24 from a point therein, distant 1000 feet Northerly, measured along said Section Line from its intersection with said Turnpike center line.

Excepting therefrom that portion thereof lying within the bounds of State Route No. 120, as now established.

Parcel No. 66-U(1) -- Temporary Easement for Detour Purposes.

Situated in the Township of Harris, County of Ottawa and State of Ohio and known as being part of Original Harris Township Section No. 24, Township 6 North, Range 13 East, and bounded as follows:

Northerly by the Southwesterly line of land conveyed to Clifford Miller, by deed dated August 1, 1950, and recorded in Volume 158, Page 294 of Ottawa County Deed Records; Southerly

by the Northeasterly line of land conveyed to Frederick A. W. Stiefler, by deed dated August 26, 1938, and recorded in Volume 113, Page 492 of Ottawa County Deed Records; Easterly by a line drawn from a point distant 60 feet Westerly of, measured at right angles to, the Easterly line of said Section No. 24 from a point therein distant 700 feet Northerly, measured along said Section Line from its intersection with the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 8, Page 28 of Ottawa County Map Records, to a point distant 40 feet Westerly of, measured at right angles to the Easterly line of said Section No. 24 from a point therein distant 1000 feet Northerly, measured along said Section Line from its intersection with said Turnpike center line and Westerly by a line drawn from a point distant 100 feet Westerly of, measured at right angles to, the Easterly line of said Section No. 24 from a point therein distant 700 feet Northerly, measured along said Section Line, from its intersection with the said Turnpike center line to a point distant 80 feet Westerly of, measured at right angles to the Easterly line of said Section No. 24 from a point therein distant 1000 feet Northerly, measured along said Section Line from its intersection with said Turnpike center line.

Parcel No. 66-U(2) -- Permanent Easement for Highway Purposes.

Situated in the Township of Harris, County of Ottawa and State of Ohio and known as being part of Original Harris Township Section No. 24, Township 6 North, Range 13 East, and bounded as follows:

Southwesterly by the Northeasterly line of land conveyed to Frederick A. W. Stiefler, by deed dated August 26, 1938, and recorded in Volume 113, Page 492 of Ottawa County Deed Records; Northeasterly by the Southwesterly line of land conveyed to J. J. Schedel, by deed dated October 6, 1943, and recorded in Volume 125, Page 344 of Ottawa County Deed Records and the Southwesterly line of land conveyed to James W. Darling and Yvonne Darling, by deed dated March 31, 1951, and recorded in Volume 154, Page 275 of Ottawa County Deed Records; Northwesterly by a straight line drawn from a point distant 60 feet Northwesterly of, measured on a line normal to, the hereinafter described Line "A" from a

point therein distant 700 feet Northeasterly, measured along said line, from its intersection with the Turnpike center line to a point distant 30 feet Northwesterly of, measured on a line normal to, the hereinafter described Line "A" from a point therein distant 1041.25 feet Northeasterly, measured along said line, from its intersection with the Turnpike center line and Southeasterly by a straight line drawn from a point distant 50 feet Southeasterly of, measured on a line normal to, the hereinafter described Line "A" from a point therein distant 600 feet Northeasterly, measured along said line, from its intersection with the Turnpike center line to a point distant 30 feet Southeasterly of, measured on a line normal to, the hereinafter described Line "A" from a point therein distant 1041.25 feet Northeasterly, measured along said line from its intersection with the Turnpike center line.

Line "A" referred to above which is the center line of Portage River-South Road as proposed to be relocated is described as follows:

Beginning on the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 8, Page 28 of Ottawa County Map Records at Station 339+60; thence Northeasterly on a straight line forming an angle of 76° with said Turnpike center line, measured from Southeast to Northeast a distance of 305.66 feet to a point of curve; thence Northeasterly on a curved line deflecting to the right an arc distance of 664.44 feet to a point of tangency, said curve having a radius of 1909.86 feet and a central angle of $19^{\circ} 56'$; thence Northeasterly on a straight line tangent to said curve 71.15 feet to the end of said relocation.

Parcel No. 66-W -- Permanent Easement for Highway Purposes.

Situated in the Township of Harris, County of Ottawa and State of Ohio and known as being part of Original Harris Township Section No. 24, Township 6 North, Range 13 East, and bounded as follows:

Southeasterly by the Southeasterly line of land conveyed to J. J. Schedel by deed dated October 6, 1943, and recorded in Volume 125, Page 344 of Ottawa County Deed Records, being also the center line of Portage-River South Road;

Southwesterly by the Southwesterly line of land so conveyed to J. J. Schedel; Northeasterly by a line drawn Northwesterly normal to the hereinafter described Line "A" from the Northerly end thereof and Northwesterly by a straight line drawn from a point distant 60 feet Northwesterly of, measured on a line normal to the hereinafter described Line "A" from a point herein distant 700 feet Northeasterly, measured along said line, from its intersection with the Turnpike center line to a point distant 30 feet Northwesterly of, measured on a line normal to, the hereinafter described Line "A" from a point therein distant 1041.25 feet North-easterly, measured along said line, from the intersection with the Turnpike center line.

Line "A" referred to above which is the center line of Portage River-South Road as proposed to be relocated is described as follows:

Beginning on the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 8, Page 28 of Ottawa County Map Records at Station 339+60; thence North-easterly on a straight line forming an angle of 76° with said Turnpike center line, measured from Southeast to Northeast a distance of 305.66 feet to a point of curve; thence Northeasterly on a curved line deflecting to the right an arc distance of 664.44 feet to a point of tangency, said curve having a radius of 1909.86 feet and a central angle of $19.56'$; thence Northeasterly on a straight line tangent to said curve 71.15 feet to the end of said relocation.

The aforementioned rights to be appropriated are as follows:

Any and all abutters' rights, including access rights, appurtenant to any remaining portion of the lands of said owner or owners of which the above described real estate shall have formed a part prior hereto, in, over, or to the parcel described above as Parcel No. 66-C, including such rights to any turnpike constructed thereon."

Resolution No. 136-1954

RESOLVED that the Commission has endeavored for a reasonable time to agree with the owner or owners of the property described herein as to the compensation to be paid therefor, but has been unable to agree with said owner or

owners, and said property is needed for the construction and efficient operation of the Ohio Turnpike Project No. 1, and

BE IT FURTHER RESOLVED that proceedings be begun and prosecuted to effect the appropriation of the following described property from the following-named owner or owners and persons having interests therein, to-wit:

<u>Owner(s)</u>	<u>Place of Residence</u>
Emil Rueger	R. F. D. #1 Archbold, Ohio
Emil Rueger, Executor of Estate of Sebastian Rueger, Deceased	R. F. D. #1 Archbold, Ohio
Barbara Rueger	Tedrow, Ohio
Ruth Rueger	R. F. D. #1 Archbold, Ohio
Mary Jane Eicher	R. F. D. #1 Wauseon, Ohio
Reuben B. Eicher	R. F. D. #1 Wauseon, Ohio
Martha Kigar, Also Known As Martha Keiger	Delta, Ohio
Wesley Kigar, Also Known as Wesley Keiger	Delta, Ohio
Ida Robinson	4804 Harvest Lane Toledo, Ohio
J. D. Robinson	4804 Harvest Lane Toledo, Ohio

<u>Owner(s)</u>	<u>Place of Residence</u>
John E. Schott	Archbold, Ohio
Louise Schott	Archbold, Ohio
Clifford Schott	Bryan, Ohio
Carol Schott	Bryan, Ohio
Roy E. Schott, A Minor	Archbold, Ohio
John E. Schott, Parent Guardian of Roy E. Schott, A Minor	Archbold, Ohio
The unknown heirs, devisees, and assigns of Sebastian Rueger, deceased	Addresses Unknown
The unknown heirs, devisees, and assigns of Minnie Schott, deceased	Addresses unknown
County Auditor of Fulton County	Fulton County Court House Wauseon, Ohio
County Treasurer of Fulton County	Fulton County Court House Wauseon, Ohio

The aforementioned property to be appropriated is described as follows:

Parcel No. 23-A - 24-E(4) - Permanent Easement for
Drainage Purposes.

Situated in the Township of Franklin, County of Fulton and State of Ohio and known as being part of Original Franklin Township Section No. 3, Town 7 North, Range 5 East and being all that part of the lands described in the deed to Sebastian Rueger, dated March 16, 1908 and recorded in Volume 84, Page 636 of Fulton County Deed Records, bounded as follows:

Southerly by a line parallel to and distant 100 feet Northerly of, measured on a line normal to, the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 4, Page 19 of Fulton County Map Records; Northerly by a line parallel to and distant 1050 feet Northerly of, measured on a line normal to, said center line of Ohio Turnpike Project No. 1; Westerly by the Westerly line of land described in the deed as aforesaid; and Easterly by a line parallel to and distant 100 feet Easterly, measured at right angles, from said Westerly line."

Resolution No. 137-1954

"RESOLVED that the Commission has endeavored for a reasonable time to agree with the owner or owners of the property described herein as to the compensation to be paid therefor, but has been unable to agree with said owner or owners, and said property is needed for the construction and efficient operation of the Ohio Turnpike Project No. 1, and

BE IT FURTHER RESOLVED that proceedings be begun and prosecuted to effect the appropriation of the following-described property, the easement and rights hereinafter described, from the following-named owner or owners and persons having interests therein, to-wit:

<u>Owner(s)</u>	<u>Place of Residence</u>
J. Russell McKarns	R. F. D. #1 West Unity, Ohio
F. Bernice McKarns	R. F. D. #1 West Unity, Ohio
County Auditor of Williams County	Williams County Court House, Bryan, Ohio
County Treasurer of Williams County	Williams County Court House Bryan, Ohio

The aforementioned property to be appropriated is described as follows:

Parcel No. 18-C(3) -- Fee Simple

Situated in the Township of Brady, County of Williams and State of Ohio, and known as being part of Original Brady Township Section No. 33, Town 8 North, Range 4 East, and being all that part of the lands described in the deed to J. Russell McKarns and F. Bernice McKarns, dated December 2, 1940 and recorded in Volume 152, Page 27 of Williams County Deed Records, bounded and described as follows:

Beginning on the Easterly line of land conveyed to J. Russell McKarns and F. Bernice McKarns as aforesaid at its intersection with a line parallel to the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 5, Page 38 of Williams County Map Records and distant Northerly therefrom 155.0 feet, measured on a line normal thereto; thence Westerly along said parallel line and along said line as parallel to said center line as shown by plat recorded in Volume 5, Page 37 of Williams County Map Records to its intersection with a line normal to said center line at Station 1104+00 thereon; thence Northerly along said normal line to a point 720.0 feet Northerly, measured along said normal line from the aforesaid center line; thence Easterly parallel to said center line and 720.0 feet Northerly therefrom to its intersection with a line normal to the aforesaid center line at Station 1117+30.98 thereon, said point being 80.0 feet Westerly from the Easterly line of land conveyed to J. Russell McKarns and F. Bernice McKarns as aforesaid, measured on a line normal thereto; thence Northerly parallel to said Easterly line and 80.0 feet Westerly therefrom to the center line of Barnett School Road as now established; thence Easterly along said center line to the Easterly line of land conveyed to J. Russell McKarns and F. Bernice McKarns as aforesaid; thence Southerly along said Easterly line to the place of beginning.

Parcel No. 18-C(4) -- Fee Simple

Situated in the Township of Brady, County of Williams and State of Ohio, and known as being part of Original Brady Township Section No. 33, Town 8 North, Range 4 East, and being all that part of the lands described in the deed to J. Russell McKarns and F. Bernice McKarns, dated December 2, 1940 and recorded in Volume 152, Page 27 of Williams County Deed Records, bounded and described as follows:

Beginning on the Easterly line of land conveyed to J. Russell McKarns and F. Bernice McKarns as aforesaid at its intersection with a line parallel to the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 5, Page 38 of Williams County Map Records and distant Southerly therefrom 140.0 feet, measured on a line normal thereto; thence Westerly along said parallel line and along said line as parallel to said center line as shown by plat recorded in Volume 5, Page 37 of Williams County Map Records to its intersection with a line normal to said center line at Station 1091+00 thereon; thence Southerly along said normal line to a point 180.00 feet Southerly from the aforesaid center line, measured along said normal line; thence Easterly in a straight line to a point distant Southerly 200 feet from said center line, measured on a line normal thereto at Station 1102+00 thereon; thence Easterly in a straight line to a point distant Southerly 210.00 feet from said center line, measured on a line normal thereto at Station 1103+00 thereon; thence Southeasterly in a straight line to a point distant Southerly 260.00 feet from said center line, measured on a line normal thereto at Station 1104+00 thereon; thence Southeasterly in a straight line to a point distant Southerly 657.00 feet from said center line, measured on a line normal thereto at Station 1105+84 thereon; thence Easterly parallel to said center line to a point 657.00 feet Southerly from said center line, measured on a line normal thereto at Station 1107+99 thereon; then Southeasterly in a straight line to a point distant Southerly 714.00 feet from said center line, measured on a line normal thereto at Station 1108+59 thereon; thence Easterly parallel to the center line as aforesaid and distant Southerly therefrom 714.00 feet to a point distant Westerly 105.0 feet from the Easterly line of land conveyed to J. Russell McKarns and F. Bernice McKarns as aforesaid, measured on a line

normal thereto; thence Southerly parallel to said Easterly line and 105.0 feet Westerly therefrom to the center line of Quaker Church Road as now established; thence Easterly along said center line to the Easterly line of land conveyed to J. Russell McKarns and F. Bernice McKarns as aforesaid; thence Northerly along said Easterly line to the place of beginning.

Parcel No. 18-C(5) -- Permanent Easement for Drainage Purposes.

Situated in the Township of Brady, County of Williams and State of Ohio, and known as being part of Original Brady Township Section No. 33, Township 8 North, Range 4 East, and being all that part of the lands described in the deed to J. Russell McKarns and F. Bernice McKarns, dated December 2, 1940, and recorded in Volume 152, Page 27 of Williams County Deed Records, bounded and described as follows:

Beginning at a point 670.00 feet Northerly from the center line of Ohio Turnpike Project No. 1 as shown by plat recorded in Volume 5, Page 38 of Williams County Map Records, measured on a line normal to said center line at Station 1104+00 thereon; thence continuing Northerly along said normal line 50.00 feet; thence Westerly parallel to the center line of Ohio Turnpike Project No. 1 as aforesaid, 700.00 feet; thence Southerly at right angles to the last described course 50.00 feet; thence Easterly parallel to said center line 700.00 feet to the place of beginning.

The aforementioned rights to be appropriated are as follows:

Any and all abutters' rights, including access rights, appurtenant to any remaining portion of the lands of said owner or owners of which the above-described real estate shall have formed a part prior hereto, in, over, or to the parcels described above as Parcel No. 18-C(3) and Parcel No. 18-C(4)."

A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

Ayes: Linzell, Teagarden, Allen, McKay, Shocknessy.

Nays: None.

The Chairman declared the resolutions adopted.

The General Counsel reported that there were then pending in seven Courts of Appeals and in twelve Common Pleas Courts in the state 60 cases in which the Commission was a party. He said that eleven of the twelve cases in Courts of Appeals were appeals taken either by the Commission or by the landowner from judgments rendered in appropriation proceedings. He said that there were pending in the Common Pleas Courts of four counties eleven cases other than appropriation cases. He said that one of those was the Lichter case in Franklin County and that another was the suit by one of the Construction contractors, the Horvitz Construction Company, which was pending in Summit County, wherein the contractor sought to recover some forty thousand approximately from the Commission. He said that the other nine cases had grown directly or indirectly either out of land acquisition or alleged damages to people's property in connection with construction. He said that there were pending in eleven counties 32 condemnation cases which had not yet been tried and that nine of the cases involved only parcels to be acquired for service areas. He said that five cases previously tried, being appropriation proceedings, were pending in Common Pleas Court on motions for new trials, making an aggregate of 60 cases. The General Counsel said that litigation currently occupied only a relatively small portion of General Counsel's time and that only one staff lawyer was devoting substantially his full time to that litigation. He said that the biggest part of the work of the legal department was consumed with various of the matters such as the Commission had passed on that day and a continual flow of requests for advice and opinions from the Executive Director, and Comptroller, and Chief Engineer, and others plus a lot of work in connection with over two hundred million dollars worth of contracts.

The Chairman said that he had read a copy of a memorandum to the Executive Director that there had been ten fatal accidents in the construction of the Turnpike so far.

At the request of Mr. McKay the Chairman directed the Executive Assistant to get out one transcription of the Executive Director's report to the Commission for Mr. McKay.

Resolution No. 138-1954, ratifying actions of administrative officers, was moved for adoption by Mr. Teagarden, seconded by Mr. Allen, as follows:

Resolution No. 138-1954

"WHEREAS the executive director, deputy executive director, executive assistant, chief engineer, general counsel, assistant secretary-treasurer, comptroller, chief of the right-of-way section, and director of information and research of the Commission have, by various written and oral communications fully advised the members of the Commission with respect to their official actions taken on behalf of the Commission since the Commission's last meeting, and the Commission has duly reviewed and considered the same;

NOW, THEREFORE, BE IT

RESOLVED that all official actions taken by the aforesaid administrative officers of the Commission on its behalf since the Commission's meeting on July 15, 1954 are hereby ratified, approved, and confirmed."

A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

Ayes: Teagarden, Allen, Linzell, McKay, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

There being no further business to come before the Commission, a motion was made by Mr. McKay, seconded by Mr. Teagarden, that the meeting adjourn subject to call of the Chairman.

A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

Ayes: McKay, Teagarden, Linzell, Allen, Shocknessy.

Nays: None.

The Chairman declared the meeting adjourned. The time of adjournment was 1:31 o'clock P. M.

Approved as a correct transcript of the proceedings of the Ohio Turnpike Commission


A. J. Allen, Secretary-Treasurer